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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/587,668	06/05/2000	Tao Chen	PA000245	8446

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Qualcomm Incorporated  
Patents Department  
5775 Morehouse Drive  
San Diego, CA 92121-1714

EXAMINER

SMITH, SHEILA B

ART UNIT PAPER NUMBER

2685

DATE MAILED: 02/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/587,668

Applicant(s)

CHEN, TAO

Examiner

Sheila B. Smith

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-4 rejected under 35 U.S.C. 103(a) as being unpatentable over Feeney (U. S. Patent Number 6,144,841) in vie of Wang et al. (U.S. Patent Number 6,178,164).

*Regarding claims 1-4*, Feeney discloses all the claimed invention as set fourth in the instant application, further Feeney discloses nethod and system for managing forward link power control with a code-division multiple access mobile telephone communication network. Additionally, Feeney discloses detecting a quality of a signal received at a base station, and instructing the base station to improve the signal quality and instructing the wireless device to decrease a power gain (which read on column 1 lines 45-60). However Feeney fails to specifically disclose the use of a pilot channel.

In the same field of endeavor, Wang et al. discloses a method and apparatus for performing idle handoff in a multiple access communication system. Wang et al. further discloses the use of a pilot channel as disclosed in column 1 line 27-33.

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify Fenney by specifically providing for a pilot channel as taught by Wang et al. for the purpose of varing the signal.

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2. Claims 5-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Feeney (U. S. Patent Number 6,144,841) in view of Wang et al. (U.S. Patent Number 6,178,164) and further in view of Park et al. (U. S. Patent Number 5,912,884).

***Regarding claims 5,6,*** Feeney in view of Wang et al. discloses everything claimed, as applied above (see claim 1 )however, Fenney in view of Wang et al. fails to specifically discloses a second processor coupled to the first processor.

In the same field of endeavor, Park et al. discloses a overload cell control method in cdma mobile system. Park et al. further discloses the use of a second processor coupled to the first processor as disclosed in column 2 lines 52-60.

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify Fenney in view of Wang et al. by specifically providing a second processor coupled to the first processor as taught by Park et al. for the purpose of increasing the performance and capacity of the base station.

***Regarding claims 7-9,*** Feeney in view of Wang et al. discloses everything claimed, as applied above (see claim 1 ) additionnaly, Fenney discloses a processor, a storage medium, as exhibited in figure 1, Additionally, Feeney discloses detecting a quality of a signal received at a base station, and instructing the base station to improve the signal quality and instructing the wireless device to decrease a power gain (which read on column 1 lines 45-60). However Feeney fails to specifically disclose the use of a pilot channel.

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In the same field of endeavor, Wang et al. discloses a method and apparatus for performing idle handoff in a multiple access communication system. Wang et al. further discloses the use of a pilot channel as disclosed in column 1 line 27-33.

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify Fenney by specifically providing for a pilot channel as taught by Wang et al. for the purpose of varying the signal. adequately meet the limitation.

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify Kanterakis et al. by specifically providing for pilot channel as taught by Kanterakis et al. for the purpose of varying the signal.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

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*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (703)305-0104. The examiner can normally be reached on Monday-Thursday 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-6306 for regular communications and (703)308-6296 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.

S. Smith  
February 10, 2003

  
EDWARD F. URBAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600